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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

ADRIAN NOLASCO MARTINEZ,

Defendant and Appellant.

H029852

(Monterey County
Super.Ct.No. SS990381)

Defendant, Adrian Nolasco Martinez, pleaded guilty to transporting a controlled substance for sale from Monterey County to Santa Clara County, a non-contiguous county, in violation of Health and Safety Code section 11379, subdivision (b). He admitted that the weight of the controlled substance was 28.5 grams and more of methamphetamine and 57 grams and more of a substance containing methamphetamine within the meaning of Penal Code section 1203.073, subdivision (b)(2). He also pleaded guilty to a misdemeanor, driving while having a blood-alcohol level of .08 percent or higher, in violation of Vehicle Code section 23152, subdivision (b), and admitted a prior conviction for driving under the influence of alcohol.

On September 14, 1999, the trial court sentenced defendant to a six year term in state prison; the execution of that sentence was suspended for five years and defendant was placed on probation with various terms and conditions.

A petition was filed alleging a violation of probation, and a bench warrant was issued for defendant on April 11, 2000. Defendant was subsequently arrested on the warrant and admitted the probation violation on December 20, 2005. On January 19, 2006, defendant's probation was terminated and he was committed to the Department of Corrections for six years and awarded credits of 441 days.

Defendant filed a timely notice of appeal.

Appointed appellate counsel has filed an opening brief which states the case and the facts but raises no specific issues. We notified defendant of his right to submit written argument on his behalf but he has failed to avail himself of the opportunity.

Pursuant to *People v. Wende* (1979) 25 Cal.3d 436, we have reviewed the entire record and have concluded that there are no arguable issues on appeal.

The judgment is affirmed.

Duffy, J.

WE CONCUR:

Mihara, Acting, P.J.

McAdams, J.